

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Armed force, when called out, to obey orders of governor.

(5.) SEC. V. Whenever an armed force shall be called out for the purpose of suppressing any tumult or riot, or dispersing any body of men acting together by force, with intent to commit any felony, or to offer violence to persons or property, or with intent by force or violence, to resist or oppose the execution of the laws of this territory, such armed force, when they shall arrive at the place of such unlawful, riotous, or tumultuous assembly, shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all the persons who are committing any of the said offenses, as they may have received from the governor, or from any judge of the court of record, or the sheriff of the county; and also such further orders as they there shall receive from any two of the magistrates or officers mentioned in the first section.

Officers, &c., to be guiltless though death ensue.

(6.) SEC. VI. If by reason of any of the efforts made by any of the said magistrates or officers, or by their direction, to disperse such unlawful, riotous, or tumultuous assembly, or to seize and secure the persons composing the same who have refused to disperse, though the number remaining may be less than twelve, any such person or other persons then present as spectators, or otherwise, shall be killed or wounded, the said magistrates and officers, and all persons acting by their order, or under their direction, shall be held guiltless and fully justified in law; and if any of the said magistrates or officers, or any person acting by their order or under their direction, shall be killed or wounded, all the persons so unlawfully, riotously, and tumultuously assembled, shall be held answerable therefor.

Riotously destroying house, &c.

(7.) SEC. VII. If any of the persons so unlawfully assembled, shall demolish, pull down, or destroy any dwelling house, or any other building, or any shop, steamboat, or vessel, he shall be punished by imprisonment in the territorial prison, not more than seven years, nor less than three years.

CHAPTER 94.

OFFENSES AGAINST PUBLIC POLICY.

SECTION.

1. Setting up or promoting illegal lotteries.
2. Selling lottery tickets, or aiding therein.
3. On second conviction.
4. Advertising lottery tickets, &c.

SECTION.

5. Making or selling tickets in fictitious lottery.
6. Defendant to prove genuineness of ticket, &c.
7. Prizes forfeited to the territory.

[Chapter 105, Revised Statutes.]

Setting up or promoting illegal lotteries.

(1.) SEC. I. Every person who shall set up or promote any lottery for money, or shall dispose of any property of value, real or personal, by way of lottery, and every person who shall aid, either by printing or writing, or shall in any way be concerned in setting up, managing, or drawing any such lottery, or who shall in any house, shop, or building

owned or occupied by him, or under his control, knowingly permit the setting up, managing, or drawing of any such lottery, or the sale of any lottery ticket, or share of a ticket, or any other writing, certificate, bill, token, or any other device purporting or intended to entitle the holder, bearer, or any other person to any prize or interest, or share of any prize to be drawn in a lottery, shall, for every such offense, be punished by imprisonment in the county jail not more than six months, nor less than one month.

(2.) SEC. II. Every person who shall sell, either for himself or for any other person, or shall offer for sale, or shall have in his possession with intent to sell or to offer for sale, or to exchange or negotiate, or shall in any wise aid or assist in the selling, negotiating, or disposing of a ticket in any such lottery, or a share of a ticket, or any such writing, certificate, bill, token, or other device, as is mentioned in the preceding section, shall be punished by fine not exceeding five hundred dollars, nor less than one hundred dollars.

Selling lottery tickets, or aiding therein.

(3.) SEC. III. If any person shall, after being convicted of any offense mentioned in either of the two preceding sections, commit the like offense, or any other of the offenses therein mentioned, he shall be punished by imprisonment in the territorial prison, not more than two years, nor less than six months.

On second conviction.

(4.) SEC. IV. Every person who shall advertise any lottery ticket, or any share in such ticket for sale, either by himself or any other person, or who shall set up or exhibit any sign, symbol, or any emblematic or other representation of a lottery, or of the drawing thereof, or any such writing, certificate, bill, token, or other device before mentioned, or where the same may be purchased or obtained, or shall in any way invite or entice, or attempt to invite or entice any other person to purchase or receive the same, shall be punished by fine not exceeding one hundred dollars.

Advertising lottery tickets, &c.

(5.) SEC. V. Every person who shall make or sell, or shall have in his possession with intent to sell, exchange, or negotiate, or who shall, by printing, writing, or otherwise, assist in making or selling, or in attempting to sell, exchange, or negotiate any false or fictitious lottery ticket, or any share thereof, or any writing, certificate, bill, token, or other device before mentioned, or any ticket or share thereof, in any fictitious or pretended lottery, knowing the same to be false or fictitious, or who shall receive any money, or other thing of value, for any such ticket or share of a ticket, or for any such writing, certificate, bill, token, or other device, purporting that the owner, bearer, or holder thereof shall be entitled to receive any prize, or any share of such prize, or any other thing of value, that may be drawn in any lottery, knowing the same to be false or fictitious, shall for every such offense be punished by imprisonment in the territorial prison not exceeding two years, nor less than six months.

Making or selling tickets in fictitious lottery.

(6.) SEC. VI. Upon a trial of an indictment for either of the offenses mentioned in the preceding section, any ticket or share of a ticket, or any other writing or thing before mentioned which the defendant shall have sold or offered for sale, or for which he shall have received any valuable consideration, shall be deemed to be false, spurious or fictitious, unless such defendant shall prove the same to be true and genuine, and to have been duly issued by the authority of some legislature within the United States, and that such lottery was existing and undrawn, and that such ticket or share thereof, or other writing or thing before mentioned, was issued by lawful authority and binding upon the persons who issued the same.

Defendant to prove genuineness of tickets, &c.

(7.) SEC. VII. All sums of money, and every other valuable thing drawn as a prize or share of a prize in any lottery by any person being an inhabitant or resident within this territory, and all sums of money and

Prizes forfeited to the territory.

other things of value received by such person by reason of his being the owner or holder of any ticket or share of a ticket, in any lottery or pretended lottery, contrary to the provisions of this chapter, shall be forfeited to the use of the territory and may be recovered by an information to be filed, or by a civil action, to be brought by the attorney general or any district attorney in the name and on behalf of the said territory.

CHAPTER 95.

GAMING.

SECTION

1. All gaming tables prohibited.
2. Gaming how punished.
3. Person betting how liable.
4. Person suffering gaming device to be set up how liable.
5. Who not excused from testifying, &c.

SECTION

6. Jurisdiction of justices under this chapter.
7. Duties of district attorney.
8. Money lost by gaming may be recovered in a civil action.
9. Judgment how rendered in such cases.
10. Notes, &c., for money won, &c., void.

[Chapter 106, Revised Statutes.]

All gaming tables prohibited.

(1.) SEC. I. All e. o. or rolette tables, faro or pharo banks, and all gaming with cards, gaming tables or gambling devices whatever, are hereby prohibited from being set up or used for gaming or gambling purposes in this territory.

Gaming how punished.

(2.) SEC. II. Every person who shall deal cards at the game called faro, pharo, or forty-eight, whether the same shall be dealt with fifty-two, or any other number of cards, and every person who shall keep to be used in gaming, any gambling device whatever, designed to be used in gaming, shall forfeit and be punished by fine not exceeding one hundred nor less than fifty dollars.

Persons betting how liable.

(3.) SEC. III. Every person who shall bet any money, or other property at or upon any gaming table, game or device prohibited by this chapter, shall be punished by fine not exceeding twenty, nor less than five dollars.

Persons suffering gaming device to be set up, how liable.

(4.) SEC. IV. Every person who shall suffer any gaming table, bank, or gambling device prohibited in this chapter, to be set up or used for the purpose of gaming, in any house, building, steamboat, raft, keelboat or boom, lot, yard or garden to him belonging, or by him occupied, or of which he has the control, shall forfeit and be punished by fine, not exceeding one hundred nor less than seventy-five dollars.

Who not excused from testifying, &c.

(5.) SEC. V. No person shall be incapacitated or excused from testifying touching any offense committed by another against any of the provisions of this chapter, relating to gaming, by reason of his having bet or played at the prohibited games or gaming devices; but the testimony which may be given by such person shall in no case be used against such witness.

Jurisdiction of justices under this chapter.

(6.) SEC. VI. All fines and forfeitures mentioned in this chapter may be recovered before any justice of the peace, in, and in the name of, and for the use of the county where such offense may have been committed.